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6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
8 AT SEATTLE

9 JENNIFER ASPREY KEANE and  
10 CHRISTOPHER KEANE, wife and husband,

11 Plaintiff/Counter-Defendants,

12 v.

13 40 YEARS, INC. (d/b/a 40 Years of Zen), a  
14 Delaware Corporation, and DAVID ASPREY,

15 Defendants/Counter-Plaintiffs/Third-  
16 Party Plaintiffs,

17 v.

18 ZOOMIUS, INC., a Nevada Corporation, and  
19 TRACK INTELLIGENCE, INC., a Nevada  
20 corporation,

21 Third-Party Defendants.

CASE NO. C18-1768 RSM

ORDER DENYING PLAINTIFFS'  
MOTION FOR STATUS CONFERENCE

22 Plaintiffs have requested that the Court schedule a status conference to address “the  
23 undesirable trajectory of the attorneys’ working relationship in this case” and to “explore an  
24 appropriate judicial resource and/or process (magistrate judge or special master) to address  
25 attorney professionalism, should the need arise in the future.” Dkt. #48. Defendants choose to  
26 file 249 pages in response to provide the Court “all necessary context” to consider the attorneys’  
professionalism and to air their own grievances. Dkts. #50 and #51. Defendants argue that the

1 Court should “reject the [Plaintiffs’] Motion for a Status Conference for a failure to comply with  
2 the Local Rules,” but should, nevertheless, hold a status conference to discuss Plaintiffs’ conduct  
3 and other case developments. Dkt. #50. The Court declines to play audience to the numerous  
4 arguments and disputes that appear to plague this litigation.

5 Plaintiffs are correct that the Court places a high emphasis on the professionalism of the  
6 counsel appearing before it. The Court’s Local Civil Rules specifically provides:

7 Along with the cost of civil litigation, the judges of this district are very concerned  
8 about professionalism among attorneys, especially in the conduct of discovery. The  
9 judges of this district expect a high degree of professionalism from the lawyers  
10 practicing before them. The orders issued by judges of this district at the outset of a  
11 case to govern conduct and scheduling of written discovery and depositions express  
12 those expectations. There should be no difference between the professional conduct  
13 of counsel when appearing before the court and when engaged outside it whether in  
14 discovery or any other phase of a case.

15 Local Civil Rules, Intro. Further, local counsel is specifically to “remind *pro hac vice* counsel  
16 of the court’s commitment to maintaining a high degree of professionalism and civility from the  
17 lawyers practicing before this court as set forth in the Introduction to the Civil Rules.” LCR  
18 83.1(d)(2).

19 The Court expects all counsel to act professionally, but that responsibility lies primarily  
20 with counsel. The Court addresses sanctionable conduct to protect the integrity of the courts.<sup>1</sup>  
21 The Court should not have to referee uncivil interactions, especially in cases where the disputes  
22 are frequent and unrestrained. The Court will not volunteer to be drawn into the fray. The Court  
23 cannot imagine that these slights and retorts are a constructive use of the parties’ money (or  
24 counsels’ time and efforts). But commandeering the Court’s time to address counsels’ inability  
25 to interact civilly and professionally is a flippant use of scarce judicial resources.

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26 <sup>1</sup> This is not an invitation to bring disputes before the Court as motions for sanctions.

1 The unnecessarily contentious nature of the litigation is evident. But beyond an equally  
2 pointed admonishment, it is unclear what a status conference would accomplish at this point. The  
3 parties, not the Court, must determine how all involved can maintain a professional working  
4 relationship and resolve this dispute for their clients. Accordingly, Plaintiffs' Motion for Status  
5 Conference (Dkt. #48) is DENIED.

6 Dated this 1<sup>st</sup> day of February 2019.

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9 RICARDO S. MARTINEZ  
10 CHIEF UNITED STATES DISTRICT JUDGE  
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